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EXAMINER	
NGUYEN, THUONG	
ART UNIT	PAPER NUMBER
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SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No.	Applicant(s)	
	10/044,195	SYED, MAJID	
	Examiner	Art Unit	
	Thuong (Tina) T. Nguyen	2155	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *08 March 2007*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-39* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-39* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the amendment filed on 3/8/07. Claims 1, 3-6, 8,9, 11-19, 21-24, 26-27 & 29-38 were amended. Claim 39 is added. Claims 1-39 represent system for arbitrator system and method for national and local content distribution.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> (e) The invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 1, 5, 8-9, 13-18, 37-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Kroeger Patent No. 6,721,337 B1.

Kroeger teaches the invention as claimed including method and apparatus for transmission and reception of compressed audio frames with prioritized messages for digital audio broadcasting (see abstract).

4. As to claim 1, Kroeger teaches a system, comprising:

an arbitrator, said arbitrator determining relative levels of data content based upon priority indicators, service categories, and service classes of data content received from a plurality of content providers (col 4, lines 45 – col 5, lines 29; col 11, lines 30-60; Kroeger discloses that the system of determined the broadcasting level based upon the

priority levels, classes and services for each class based on the cost functions for the users);

a scheduler, said scheduler sequencing said data content for broadcast based on said arbitrator determinations of relative levels of data content (col 10, lines 37-53; Kroeger discloses that the system of schedule the broadcasting events based on the priority level); and

an in-band on-channel (IBOC) transmitter broadcasting said data content based upon said sequencing (col 11, lines 60 – col 12, lines 20; Kroeger discloses that the system of using an IBOC network to broadcast the messages).

5. As to claim 5, Kroeger teaches the system as recited in claim 1, wherein said data content is arbitrated based on a plurality of the following parameters: content type, transmission requirements, data type, time, end user device requirements (col 6, lines 1-29; Kroeger discloses that the system of based on the transmission requirement for the parameters).

6. As to claim 8, Kroeger teaches the system as recited in claim 1, wherein said arbitrator determinations are further based upon a service operator code identifying said data content provider (col 11, lines 9-29; Kroeger discloses that the system of depend on the various priorities to the modem frame data allocator for the signals).

7. As to claim 9, Kroeger teaches the system as recited in claim 1, wherein said arbitrator determinations are further based upon a destination address representing a broadcast, multicast, or unicast scenario (col 3, lines 15-43; Kroeger discloses that the system of broadcasting method for the system).

8. As to claim 13, Kroeger teaches the system as recited in claim 1, wherein said arbitrator determinations are further based upon periodicity requirements (col 3, lines 44-66; Kroeger discloses that the system of defined the periodicity requirement for each priority classes).

9. As to claim 14, Kroeger teaches the system as recited in claim 1, wherein said arbitrator determinations are further based upon validity determinations including periods of validity (col 10, lines 37-53; Kroeger discloses that the system of validating the periods for each priority classes).

10. As to claim 15, Kroeger teaches the system as recited in claim 1, wherein said arbitrator determinations are further based upon time stamps of said data content (figure 14)

11. As to claim 16, Kroeger teaches the system as recited in claim 14, wherein said arbitrator determinations are further based upon periodicity requirements (col 11, lines 30-60; Kroeger discloses that the system of determined the delay period for each priority classes).

12. As to claim 17, Kroeger teaches the system as recited in claim 1, wherein said arbitrator determinations are further based upon geographic classifications (figure 14).

13. As to claim 18, Kroeger teaches the system as recited in claim 1, wherein said scheduler processes data for controlling display of information at a receiver (col 11, lines 60 – col 12, lines 20; Kroeger discloses that the system of displaying multiple messages assignments).

14. As to claim 37, Kroeger teaches a method comprising:

determining relative levels of data content based upon priority indicators, service categories, and service classes of said data content (col 4, lines 45 – col 5, lines 29; col 11, lines 30-60; Kroeger discloses that the method of determined the broadcasting level based upon the priority levels, classes and services for each class based on the cost functions for the users)

sequencing said data content for broadcast based upon said determining of relative levels of data content (col 10, lines 37-53; Kroeger discloses that the method of schedule the broadcasting events based on the priority level); and

communicating said data content to an in-band on-channel (IBOC) network in accordance with said sequencing (col 11, lines 60 – col 12, lines 20; Kroeger discloses that the method of using an IBOC network to broadcast the messages).

15. As to claim 38, Kroeger teaches a system, comprising:

a computer processing system (figure 2, 4, 13); and

determining relative levels of data content based upon priority indicators, service categories, and service classes of data content (col 4, lines 45 – col 5, lines 29; col 11, lines 30-60; Kroeger discloses that the system of determined the broadcasting level based upon the priority levels, classes and services for each class based on the cost functions for the users);

sequencing said data content for broadcast based upon said determining of relative levels of data content (col 10, lines 37-53; Kroeger discloses that the system of schedule the broadcasting events based on the priority level); and

communicating said data content to an in-band on-channel (IBOC) network in accordance with said sequencing (col 11, lines 60 – col 12, lines 20; Kroeger discloses that the system of using an IBOC network to broadcast the messages).

16. As to claim 39, Kroeger teaches a computer readable medium, comprising:

determining relative levels of data content based upon priority indicators, service categories, and service classes of said data content (col 4, lines 45 – col 5, lines 29; col 11, lines 30-60; Kroeger discloses that the computer readable medium of determined the broadcasting level based upon the priority levels, classes and services for each class based on the cost functions for the users);

sequencing said data content for broadcasting based upon said determining of relative levels of data content (col 10, lines 37-53; Kroeger discloses that the computer readable medium of schedule the broadcasting events based on the priority level); and

communicating said data content to an in-band-on-channel (IBOC) network in accordance with said sequencing (col 11, lines 60 – col 12, lines 20; Kroeger discloses that the computer readable medium of using an IBOC network to broadcast the messages).

Claim Rejections - 35 USC § 103

17. The following is a quotation of 35 U.S.C. 103(c) which forms the basis for all obviousness rejections set forth in this Office action:

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

18. Claims 7, 10, 19, 23, 25-28, 31-36 are rejected under 35 U.S.C. 103(c) as being unpatentable over Kroeger in view of Voit et al., U.S. Patent No. 2002/0044567 A1.

Kroeger teaches the invention as claimed including method and apparatus for transmission and reception of compressed audio frames with prioritized messages for digital audio broadcasting (see abstract).

19. As to claim 7, Kroeger teaches the system of as recited in claim 1. But Kroeger fails to teach the limitation wherein said priority indicators comprise one or more of the following fields: level of service, bit rate requirements, latency grades, or best effort required.

However, Voit teaches automatic programming of customer premises equipment for vertical services integration (abstract). Voit teaches the limitation wherein said priority indicators comprise one or more of the following fields: level of service, bit rate requirements, latency grades, or best effort required (page 11, paragraph 115, 117 and 118; Voit discloses that the system which cable of prioritize traffic base on the weighted fair queuing, priority queuing. It also performs base on measuring and monitoring the physical rate limitations).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger in view of Voit so that the system could behave correctly base on the pre-set limitations. One would be motivated to do so to

have a system which functions different fields such as level of service, bit rate requirement and latency grades.

20. As to claim 10, Kroeger teaches the system of as recited in claim 1. But Kroeger fails to teach the limitation wherein said service classes comprise at least basic, preferred, or premium.

However, Voit teaches the limitation wherein said service classes comprise at least basic, preferred, or premium (page 11, paragraph 115; Voit discloses that the system with the algorithms selected to implement QoS and SLAs, lowest priority level).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger in view of Voit so that the system could behave correctly base on the set limitation. One would be motivated to do so to improve the performance of the system by setting the prioritized for different service classes.

21. As to claim 19, Kroeger teaches a system, comprising:

one or more gateways receiving data content from a plurality of data content providers (figure 14);

an arbitrator, said arbitrator determining relative levels of data content based upon priority indicators, service categories, and service classes of data content received from the plurality of content providers (col 4, lines 45 – col 5, lines 29; col 11, lines 30-60; Kroeger discloses that the system of determined the broadcasting level based upon the priority levels, classes and services for each class based on the cost functions for the users);

a scheduler, said scheduler sequencing said data content for broadcast based on said arbitrator determinations of relative levels of data content (col 10, lines 37-53; Kroeger discloses that the system of schedule the broadcasting events based on the priority level); and

an in-band on-channel (IBOC) transmitter broadcasting said data content based upon said sequencing (col 11, lines 60 – col 12, lines 20; Kroeger discloses that the system of using an IBOC network to broadcast the messages).

But Kroeger failed to teach the claim limitation wherein one or more gateways arbitrating.

However, Voit teaches the limitation wherein one or more gateways (figure 2) arbitrating.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kroeger in view of Voit so that the system would be able to provide a more secure system. One would be motivated to do so to ensure the security of the system.

22. As to claim 23, Kroeger and Voit teach the system as recited in claim 19, wherein said data content is arbitrated based on a plurality of the following parameters: content type, transmission requirements, data type, time, end user device requirements (col 6, lines 1-29; Kroeger discloses that the system of based on the transmission requirement for the parameters).

23. As to claim 25, Kroeger and Voit teach the system of as recited in claim 19. But Kroeger fails to teach the limitation wherein said priority indicators comprise one or

more of the following fields: level of service, bit rate requirements, latency grades, or best effort required.

However, Voit teaches the limitation wherein said priority indicators comprise one or more of the following fields: level of service, bit rate requirements, latency grades, or best effort required (page 11, paragraph 115, 117 and 118; Voit discloses that the system which cable of prioritize traffic base on the weighted fair queuing, priority queuing. It also performs base on measuring and monitoring the physical rate limitations).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger in view of Voit so that the system could behave correctly base on the pre-set limitations. One would be motivated to do so to have a system which functions different fields such as level of service, bit rate requirement and latency grades.

24. As to claim 26, Kroeger and Voit teach the system as recited in claim 19, wherein said arbitrator determinations are further based upon a service operator code identifying said data content provider (col 11, lines 9-29; Kroeger discloses that the system of depend on the various priorities to the modem frame data allocator for the signals).

25. As to claim 27, Kroeger and Voit teach the system as recited in claim 19, wherein said arbitrator determinations are further based upon a destination address representing a broadcast, multicast, or unicast scenario (col 3, lines 15-43; Kroeger discloses that the system of broadcasting method for the system).

26. As to claim 28, Kroeger and Voit teach the system of as recited in claim 19. But Kroeger fails to teach the limitation wherein said service classes comprise at least basic, preferred, or premium.

However, Voit teaches the limitation wherein said service classes comprise at least basic, preferred, or premium (page 11, paragraph 115; Voit discloses that the system with the algorithms selected to implement QoS and SLAs, lowest priority level).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger in view of Voit so that the system could behave correctly base on the set limitation. One would be motivated to do so to improve the performance of the system by setting the prioritized for different service classes.

27. As to claim 31, Kroeger and Voit teach the system as recited in claim 19, wherein said arbitrator determinations are further based upon periodicity requirements (col 3, lines 44-66; Kroeger discloses that the system of defined the periodicity requirement for each priority classes).

28. As to claim 32, Kroeger and Voit teach the system as recited in claim 19, wherein said arbitrator determinations are further based upon validity determinations including periods of validity (col 10, lines 37-53; Kroeger discloses that the system of validating the periods for each priority classes).

29. As to claim 33, Kroeger and Voit teach the system as recited in claim 19, wherein said message protocol further includes time stamps of said specified data content (figure 14).

30. As to claim 34, Kroeger and Voit teach the system as recited in claim 19, wherein said arbitrator determinations are further based upon periodicity requirements (col 11, lines 30-60; Kroeger discloses that the system of determined the delay period for each priority classes).

31. As to claim 35, Kroeger and Voit teach the system as recited in claim 19, wherein said arbitrator determinations are further based upon geographic classifications (figure 14).

32. As to claim 36, Kroeger and Voit teach the system as recited in claim 19, wherein said scheduler processes data for controlling display of information at a receiver (col 11, lines 60 – col 12, lines 20; Kroeger discloses that the system of displaying multiple messages assignments).

33. Claim 2 is rejected under 35 U.S.C. 103(c) as being unpatentable over Kroeger in view of Beyda et al., U.S. Patent No. 5,935,218.

Kroeger teaches the invention as claimed including method and apparatus for transmission and reception of compressed audio frames with prioritized messages for digital audio broadcasting (see abstract).

34. As to claim 2, Kroeger teaches the system as recited in claim 1. But Kroeger fails to teach the limitation wherein said system comprises a hierarchy of gateways, one or more first level gateways arbitrating and scheduling a first data content level and one

or more second level gateways operatively connected to said first level gateway(s) and arbitrating and scheduling a second data content level.

However, Beyda teaches the invention substantially as claimed including method and apparatus for bus network prioritization using the broadcast of delay time to lower priority users from high priority users in a token or loop network (see abstract).

Beyda teaches the limitation wherein said system comprises a hierarchy of gateways, one or more first level gateways arbitrating and scheduling a first data content level and one or more second level gateways operatively connected to said first level gateway(s) and arbitrating and scheduling a second data content level (see figure 2, member 100; col 3, lines 4-10; 13-18; 28-32; Beyda discloses that the system that perform tasks which can be priority into two set, high priority and low priority users. Beyda also discloses that they chart which show the sequence steps taken by high priority and low priority to utilize a computer network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger in view of Beyda so that the system could behave in hierarchy functionality. One would be motivated to do so have two set of gateway, which would operate separately to speed up the system.

35. Claim 3-4 & 21-22 is rejected under 35 U.S.C. 103(c) as being unpatentable over Kroeger in view of Beyda et al., U.S. Patent No. 5,935,218 and further in view of Voit, Patent No. 2002/0044567 A1.

Kroeger teaches the invention as claimed including method and apparatus for transmission and reception of compressed audio frames with prioritized messages for digital audio broadcasting (see abstract).

36. As to claim 3, Kroeger and Beyda teach the system as recited in claim 2. But Kroeger and Beyda failed to teach the limitation wherein said one or more first level gateways arbitrating and scheduling a first data content level comprise at least a central gateway receiving requests from the plurality of content providers.

However, Voit teaches the invention substantially as claimed including an automatic programming of customer premises equipment for vertical services integration (see abstract).

Voit teaches the limitation wherein said one or more first level gateways arbitrating and scheduling a first data content level comprise at least a central gateway receiving requests from the plurality of content providers (page 12, paragraph 125; page 15, table 2; Voit discloses that the system which content plurality national/international content provider).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger and Beyda in view of Voit so that the system would behave as a hierarchy network, central gateway to level gateway. One would be motivated to do so to have a system function hierarchy but also can received request from all around the world.

37. As to claim 4, Kroeger and Beyda teach the system of as recited in claim 2. But Kroeger and Beyda failed to teach the limitation wherein said one or more second level gateways receive requests from a plurality of local content providers.

However, Voit teaches the limitation wherein said one or more second level gateways receive requests from a plurality of local content providers (page 12, paragraph 126; page 15, table 2; Voit discloses that the system for receiving and buffering ATM cells until it's recognized a complete frame for multiple content providers).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger and Beyda in view of Voit so that the system could receive request from different places in the world. One would be motivated to do so to improve the functionality of the system.

38. As to claim 21, Kroeger and Beyda teach the system of as recited in claim 20. But Kroeger and Beyda failed to teach the limitation wherein said one or more first level gateways arbitrating and scheduling a first data content level comprise at least a central gateway receiving requests from a plurality of content providers.

However, Voit teaches the limitation wherein said one or more first level gateways arbitrating and scheduling a first data content level comprise at least a central gateway receiving requests from a plurality of content providers (page 12, paragraph 125; page 15, table 2; Voit discloses that the system which content plurality national/international content provider).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger and Beyda in view of Voit so that the system would behave as a hierarchy network, central gateway to level gateway. One would be motivated to do so to have a system function hierarchy but also can received request from all around the world.

39. As to claim 22, Kroeger and Beyda teach the system of as recited in claim 20. But Kroeger and Beyda failed to teach the limitation wherein said one or more second level gateways receive requests from a plurality of local content providers.

However, Voit teaches the limitation wherein said one or more second level gateways receive requests from a plurality of local content providers (page 12, paragraph 126; page 15, table 2; Voit discloses that the system for receiving and buffering ATM cells until it's recognized a complete frame for multiple content providers).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger in view of Voit so that the system could receive request from different places in the world. One would be motivated to do so to improve the functionality of the system.

40. Claim 20 is rejected under 35 U.S.C. 103(c) as being unpatentable over Kroeger, Patent No. 6,721,337 B1 in view of Voit, Patent No. 2002/0044567 A1 and further in view of Beyda, Patent No. 5,935,218.

Kroeger teaches the invention as claimed including method and apparatus for transmission and reception of compressed audio frames with prioritized messages for digital audio broadcasting (see abstract).

41. As to claim 20, Kroeger and Voit teach the system of as recited in claim 19. But Kroeger and Voit failed to teach the limitation wherein said system comprises a hierarchy of gateways, one or more first level gateways arbitrating and scheduling a first data content level and one or more second level gateways operatively connected to said first level gateway(s) and arbitrating and scheduling a second data content level.

However, Beyda teaches the invention substantially as claimed including method and apparatus for bus network prioritization using the broadcast of delay time to lower priority users from high priority users in a token or loop network (see abstract).

Beyda teaches the limitation wherein said system comprises a hierarchy of gateways, one or more first level gateways arbitrating and scheduling a first data content level and one or more second level gateways operatively connected to said first level gateway(s) and arbitrating and scheduling a second data content level (see figure 2, member 100; col 3, lines 4-10; 13-18; 28-32; Beyda discloses that the system that perform tasks which can be priority into two set, high priority and low priority users. Beyda also discloses that they chart which show the sequence steps taken by high priority and low priority to utilize a computer network).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger in view of Voit and further in view of Beyda so that the system could behave in hierarchy functionality. One would be motivated to do so have two set of gateway, which would operate separately to speed up the system.

42. Claims 6, 11 are rejected under 35 U.S.C. 103(c) as being unpatentable over Kroeger in view of Solondz et al., U.S. Patent No. 5,615,249.

Kroeger teaches the invention as claimed method and apparatus for transmission and reception of compressed audio frames with prioritized messages for digital audio broadcasting (see abstract).

43. As to claim 6, Kroeger teaches the system as recited in claim 1. But Kroeger fails to teach the limitation wherein said data content is prioritized, based on said priority indicators, as one of the following: extreme high priority for immediate data transmission, high priority for transmission at earliest opportunity, normal according to requested repetition rate, and low for transmission in slots left free after transmission of messages of extreme high priority, high priority, and normal priority.

However, Solondz teaches the invention substantially as claimed including service prioritization in a cellular telephone system (see abstract).

Solondz teaches the limitation wherein said data content is prioritized, based on said priority indicators, as one of the following: extreme high priority for immediate data transmission, high priority for transmission at earliest opportunity, normal according to requested repetition rate, and low for transmission in slots left free after transmission of messages of extreme high priority, high priority, and normal priority (col 2, lines 43 – col 3, lines 10; Solondz discloses that the system which behave base on the service of priority levels, priority service, premium service, normal service, basic service and economy service).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger in view of Solondz so that the system could have the data content prioritized as planed. One would be motivated to do so to speed up the system and well organized.

44. As to claim 11, Kroeger teaches the system as recited in claim 1. But Kroeger failed to teach the claim limitation wherein said service categories comprise at least one, or a combination of: administrative, maintenance, advertisement, news, sports, weather, traffic, emergency alert, stocks, entertainment, travel entities, medical, multimedia, audio, logo, or text.

However, Solondz teaches the limitation wherein said service categories comprise at least one, or a combination of: administrative, maintenance, advertisement, news, sports, weather, traffic, emergency alert, stocks, entertainment, travel entities, medical, multimedia, audio, logo, or text (col 7, lines 10-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Kroeger in view of Solondz so that the system would provide more options and flexibility to users. One would be motivated to do so to provides user different service level which includes weather, emergency...

45. Claims 24 & 29 are rejected under 35 U.S.C. 103(c) as being unpatentable over Kroeger, Patent No. 6,721,337 B1 in view of Voit, Patent No. 2002/0044567 A1 and further in view of Solondz et., U.S. Patent No.5,615,249 .

Kroeger teaches the invention as claimed method and apparatus for transmission and reception of compressed audio frames with prioritized messages for digital audio broadcasting (see abstract).

46. As to claim 24, Kroeger and Voit teach the system of as recited in claim 19. But Kroeger and Voit failed to teach the limitation wherein said data content is prioritized, based on said priority indicators, as one of the following: extreme high priority for immediate data transmission, high priority for transmission at earliest opportunity, normal according to requested repetition rate, and low for transmission in slots left free after transmission of messages of extreme high priority, high priority, and normal priority.

However, Solondz teaches the invention substantially as claimed including service prioritization in a cellular telephone system (see abstract).

Solondz teaches the limitation wherein said data content is prioritized, based on said priority indicators, as one of the following: extreme high priority for immediate data transmission, high priority for transmission at earliest opportunity, normal according to requested repetition rate, and low for transmission in slots left free after transmission of messages of extreme high priority, high priority, and normal priority (col 2, lines 43 – col 3, lines 10; Solondz discloses that the system which behave base on the service of priority levels, priority service, premium service, normal service, basic service and economy service).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger and Voit in view of Solondz so that the system could have the data content prioritized as planed. One would be motivated to do so to speed up the system and well organized.

47. As to claim 29, Kroeger and Voit teach the system as recited in claim 19. But Kroeger and Voit failed to teach the claim limitation wherein said service categories comprise at least one, or a combination of: administrative, maintenance, advertisement, news, sports, weather, traffic, emergency alert, stocks, entertainment, travel entities, medical, multimedia, audio, logo, or text.

However, Solondz teaches the limitation wherein said service categories comprise at least one, or a combination of: administrative, maintenance, advertisement, news, sports, weather, traffic, emergency alert, stocks, entertainment, travel entities, medical, multimedia, audio, logo, or text (col 7, lines 10-32).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger and Voit in view of Solondz so that the system would provide more options and flexibility to users. One would be motivated to do so to provides user different service level which includes weather, emergency...

48. Claim 12 is rejected under 35 U.S.C. 103(c) as being unpatentable over Kroeger in view of Gross et al., U.S. Patent No. 6,782,510 B1.

Kroeger teaches the invention as claimed including method and apparatus for transmission and reception of compressed audio frames with prioritized messages for digital audio broadcasting (see abstract).

49. As to claim 12, Kroeger teaches the system as recited in claim 1. But Kroeger fails to teach the limitation wherein said arbitrator determinations are further based upon language filtration identifiers.

However, Gross teaches the invention substantially as claimed including word checking tool for controlling the language content in documents using dictionaries with modifiable status fields (see abstract).

Gross teaches the limitation wherein said arbitrator determinations are further based upon language filtration identifiers (col 7, lines 30-56; Gross discloses that the system for filtering the language identification base on the pre-determination set).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger in view of Gross so that the system could identified the language. One would be motivated to do so to improve the system. One of the advantages is to identify the language.

50. Claim 30 is rejected under 35 U.S.C. 103(c) as being unpatentable Kroeger, Patent No. 6,721,337 B1in view of Voit, Patent No. 2002/0044567 A1 and further in view of Gross et al., U.S. Patent No. 6,782,510 B1.

Kroeger teaches the invention as claimed including method and apparatus for transmission and reception of compressed audio frames with prioritized messages for digital audio broadcasting (see abstract).

51: As to claim 30, Kroeger and Voit teach the system of as recited in claim 19. But Kroeger and Voit failed to teach the limitation wherein said arbitrator determinations are further based upon language filtration identifiers.

However, Gross teaches the invention substantially as claimed including word checking tool for controlling the language content in documents using dictionaries with modifiable status fields (see abstract).

Gross teaches the limitation wherein said arbitrator determinations are further based upon language filtration identifiers (col 7, lines 30-56; Gross discloses that the system for filtering the language identification base on the pre-determination set).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the combination of Kroeger and Voit in view of Gross so that the system could identify the language. One would be motivated to do so to improve the system. One of the advantages is to identify the language.

Response to Arguments

Applicant's arguments filed 3/8/07 have been fully considered but they are not persuasive. In response to Applicant's argument, the Patent Office maintains the rejection. In the remarks, the applicant argues in substance that; A) Kroeger does not disclose determining relative levels of data content based upon a combination of "priority indicators, service categories, and service classes" of data content received from a plurality of content provides.

In response to A); Applicants argue that Kroeger does not teach determining relative levels of data content based upon a combination of "priority indicators, service categories, and service classes" of data content received from a plurality of content provides. In response to Applicant's argument, the Patent Office maintains the rejection because Kroeger does teach determining relative levels of data content based upon a combination of "priority indicators, service categories, and service classes" of data content received from a plurality of content provides (col 4, lines 45 – col 5, lines 29; col

11, lines 30-60; Kroeger discloses that the system of determined the broadcasting level based upon the priority levels, classes and services for each class based on the cost functions for the users). There is nothing in the claim stated that the levels of data content based upon a combination of "priority indicators, service categories, and service classes". The claim only stated that "an arbitrator determining relative levels of data content based upon priority indicators, service categories, and service classes of data content received from a plurality of content providers. It's obvious to one of ordinary skill in the art at the time of the invention to relate the priority associate with the quality of services for the user. User whom pay higher price would get better services and higher priority. Therefore, Kroeger meets the claim limitations.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thuong (Tina) Nguyen whose telephone number is 571-272-3864, and the fax number is 571-273-3864. The examiner can normally be reached on 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saleh Najjar can be reached on 571-272-4006. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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